

REMARKS

Sheets 1 through 3 of the drawings have been amended to respond to the examiner's objections to the original drawings. It is believed that the drawing amendments overcome the drawing objections, and the replacement sheets attached are respectfully requested to be accepted and substituted for the corresponding originally-filed drawing sheets.

Claims 8 and 10 were objected to on the ground of informalities, and claims 8 through 10 were rejected as indefinite. Accordingly each of claims 8, 9, and 10 has been amended in an effort to overcome the objections and the indefiniteness asserted by the examiner. It is believed that as so amended the claims are now in appropriate form.

Claims 8 through 10 were also rejected as obvious over the Takizawa et al. '730 reference. The Takizawa et al. reference discloses a control system that involves feedback control to adjust the operation of a continuously variable transmission to conform with operating values derived from a transmission ratio data map based upon sensed input values. However, that reference does not even mention accounting for transmission wear over time to adjust control functions, and it does not teach adjusting preliminary control values to account for wear conditions that the transmission undergoes over time. Instead, the reference teaches a system for detecting and correcting for instantaneous deviations from parameters that are defined in the control parameter maps disclosed in the reference. And the parameters as defined in

those control maps are not changed or adjusted as a result of transmission operation over time to reflect wear of transmission parts.

As acknowledged by the examiner, Takizawa et al. "does not explicitly disclose storing the operating parameters associated with reference transmission ratios in a memory." As also recognized by the examiner, the reference "does not teach storing the preliminary control value and adjusting the preliminary control value so that the measured transmission ration coincides with the reference transmission ratio when the control variable is approximately zero." Those differences, along with the nature of the problem to which the present invention is directed, which as recited in claim 8 is "to take into account changes caused by wear of transmission parts," clearly demonstrate that the reference does not even suggest the desirability of the claimed invention, let alone its features. And because it is not directed to and does not discuss that problem it does not teach a solution to that problem.

Furthermore, the mere fact that something is known in the abstract, or that something *could* be done, does not make its adoption and use in a particular device or environment obvious without some suggestion in the prior art to motivate one to do so. One can hypothesize at length about what another person would do in particular circumstances, but without some disclosure or specific motivation the hypothesis is merely guesswork and cannot be realistically said to amount to a suggestion to one to do what an inventor has done. In this instance there is no suggestion that would lead one to do what the examiner has suggested would be obvious. Indeed, the only basis for the

obviousness conclusion is the present disclosure, because, as already acknowledged by the examiner, the reference taken alone does not teach the claimed invention.

But to use the present disclosure as a road map or a template to identify known features, and then to combine them with what is disclosed in a reference to arrive at a claimed invention, when the reference in no way teaches or suggests such a combination, is improper without some suggestion to cause an ordinarily skilled person to combine those features. After all, an ordinarily skilled person is not one who is an innovator, but, instead, is guided by the conventional wisdom. And in this instance the conventional wisdom, as taught by the reference and as recognized by the examiner, does not teach or suggest the claimed invention.

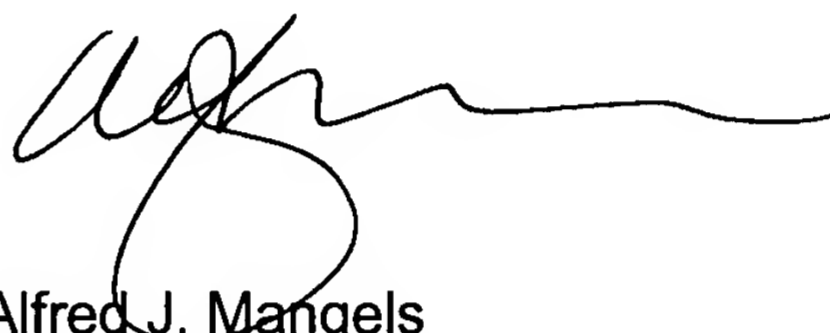
Claims 9 and 10 depend from claim 8, either directly or indirectly, and therefore those claims are also believed to be patentably distinguishable over the Takizawa et al. reference. Moreover, those claims each contain additional recitations that further distinguish the inventions so claimed from the teachings of that reference.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in definite and allowable form in that they patentably distinguish over the teachings contained in the reference that was cited and relied upon by the examiner. Consequently, this application is believed to be in condition for allowance, and reconsideration and

reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred J. Mangels', with a long horizontal flourish extending to the right.

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Attachments: Annotated drawing sheets showing the changes
Replacement drawing sheets including the changes

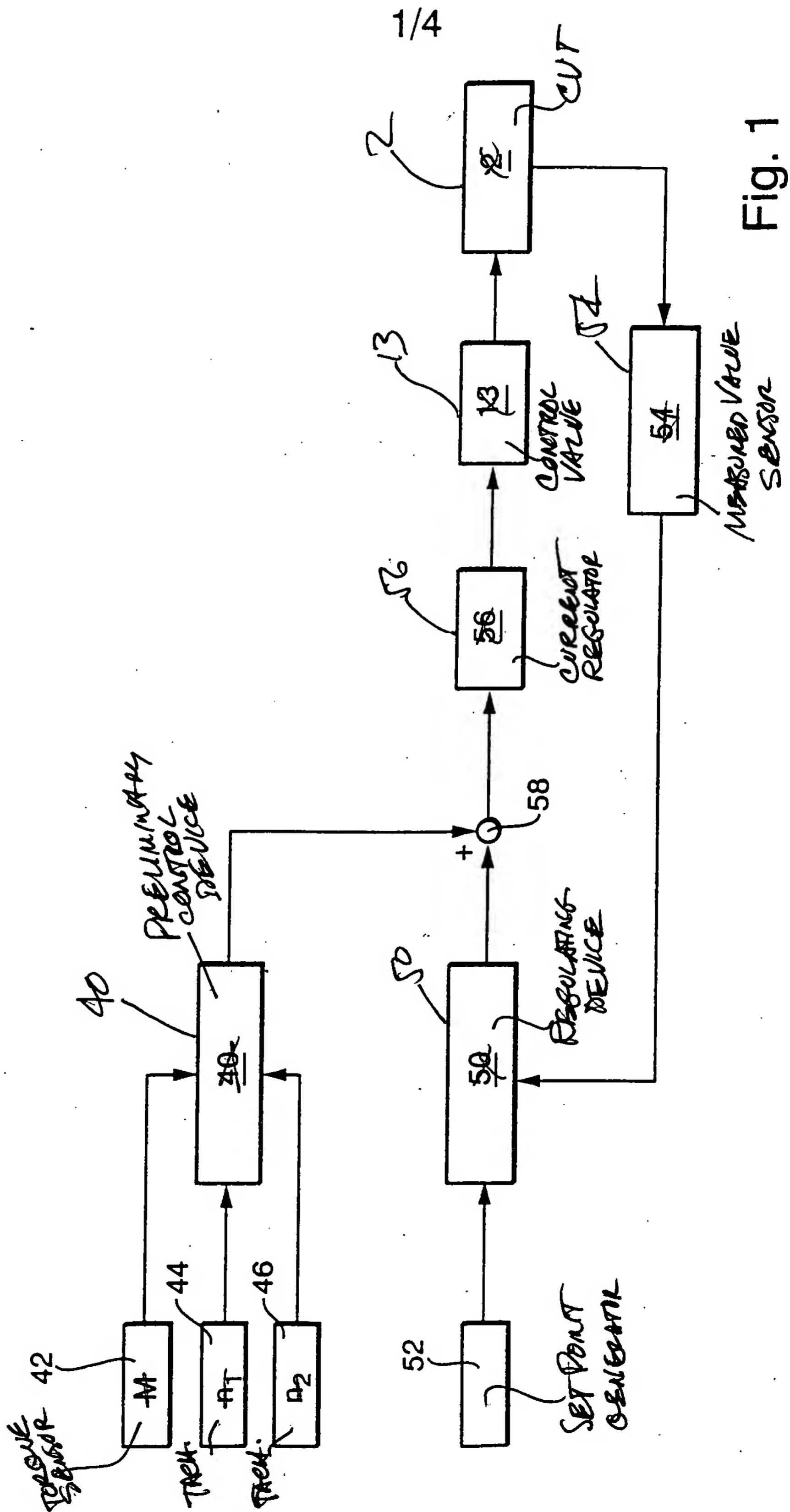


Fig. 1

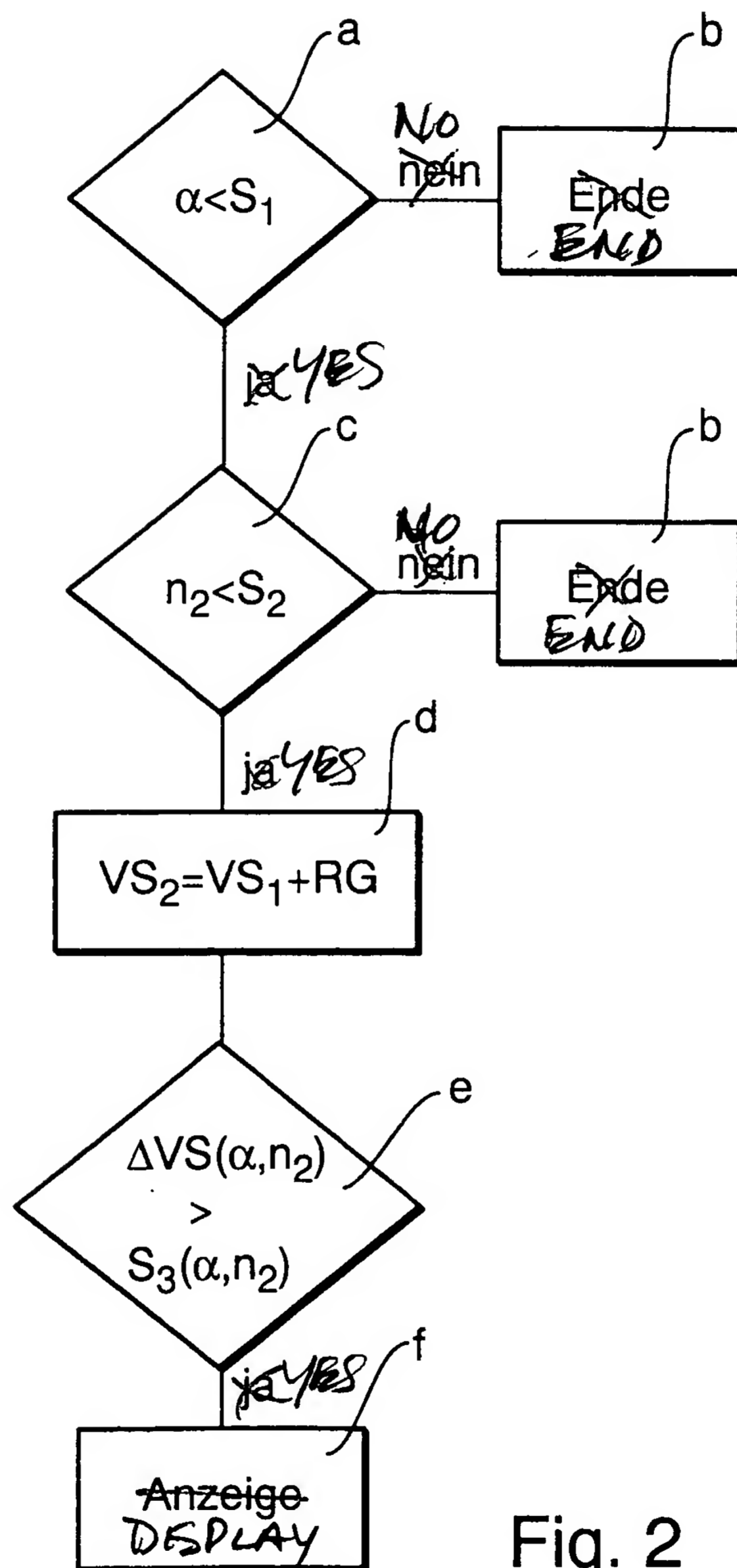


Fig. 2

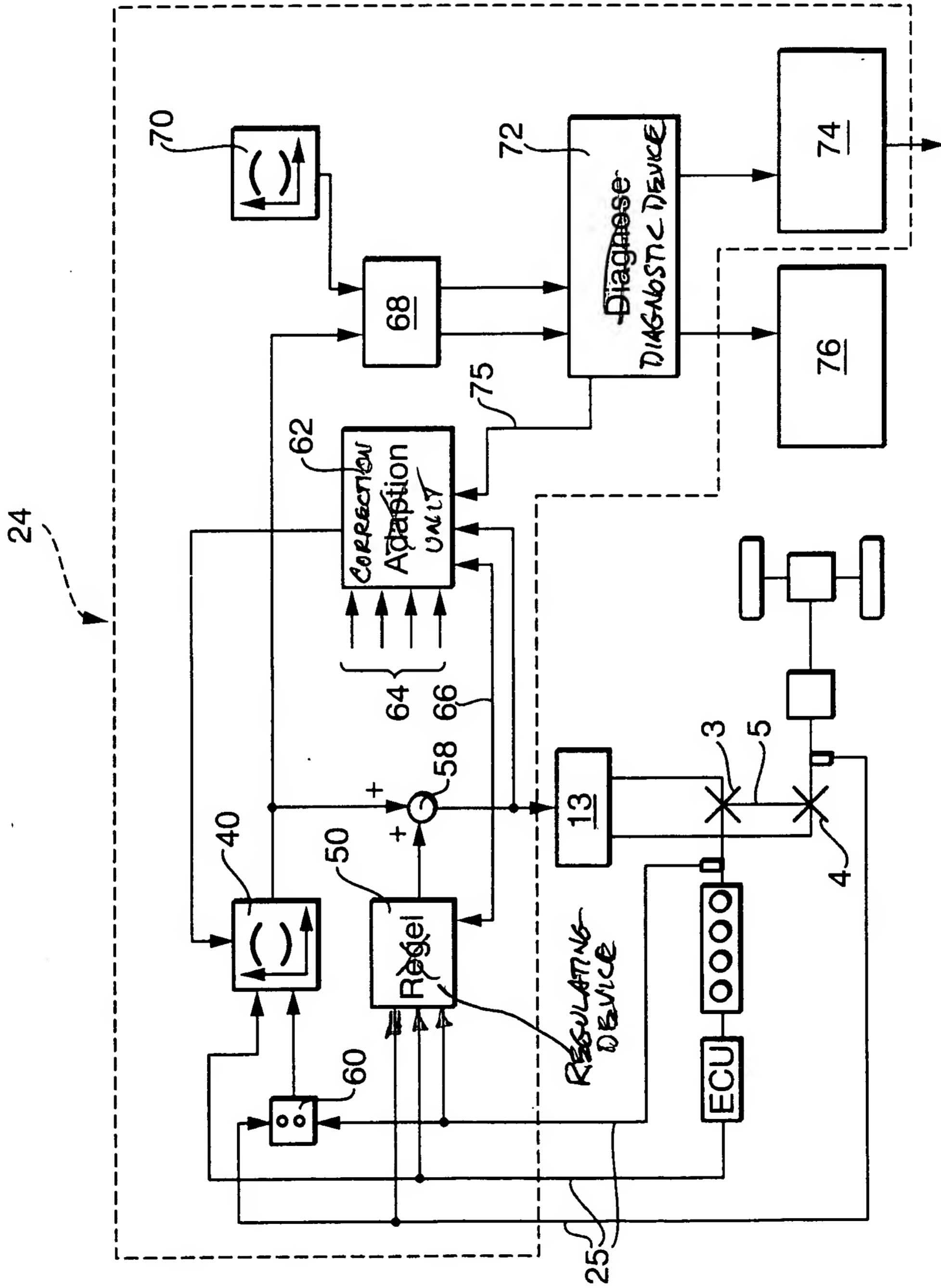


Fig. 3

AMENDMENTS TO THE DRAWINGS

The sheets of drawings appended hereto include changes to Figures 1, 2, and 3. The changes to Figure 1 involve the addition of descriptive words for the elements represented by boxes, as required by the examiner. The changes to Figures 2 and 3 involve the translation into English of the German-language words.

Appended hereto are marked-up copies of Figures 1, 2, and 3 showing in red the changes to the originally-filed drawings. Also appended hereto are replacement drawing sheets in the form of corrected formal drawings for drawing sheets 1, 2, and 3 that include the amendments that are identified above. Acceptance and entry of the attached corrected formal drawings and their substitution for the corresponding sheets of the originally-filed drawings is also respectfully requested.